



Spain

Country Reports on Human Rights Practices - [2000](#)

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Spain is a democracy with a constitutional monarch. The Parliament consists of two chambers, the Congress of Deputies and the Senate. In March Jose Maria Aznar of the Popular Party (PP) was reelected Prime Minister, with the title President of the Government. The next national elections are scheduled for March 2004. The Government respects the constitutional provisions for an independent judiciary in practice.

There are three levels of security forces. The National Police are responsible for nationwide investigations, security in urban areas, traffic control, and hostage rescue. The Civil Guard polices rural areas and controls borders and highways. Autonomous police forces have taken over many of the duties of the Civil Guard in Galicia, parts of Catalunya, and the Basque country. The security forces are under the effective control of the Government. The security forces also maintain anticorruption units. Some members of the security forces committed human rights abuses.

The economy is market based, with primary reliance on private enterprise. Although a number of public sector enterprises remain in key areas, the Government's policy has been to privatize as many of them as possible. The economy grew during the second quarter at a 4.2 percent annual rate. The annual inflation rate at the close of 1999 was 2.9 percent; in the third quarter of 2000 it was 3.6 percent. Unemployment in the third quarter dropped to 14.2 percent, continuing its downward trend.

The Government generally respected the human rights of its citizens; however, there were problems in some areas, including cases of police brutality, lengthy pretrial detention, and delays in trials. Government investigations of alleged human rights abuses by the security forces are often lengthy, and punishments light. The Government is taking steps to deal with the problem of violence against women. Incidents of racism and rightwing violence against minorities and discrimination against Roma continued to be problems. There were instances of forced labor and child labor. Trafficking in women for the purpose of forced prostitution was a problem.

Throughout the year there were ongoing judicial proceedings related to the involvement of former government officials in the Antiterrorist Liberation Groups (government-sponsored death squads known by their acronym, GAL), which killed 27 persons between 1983 and 1987, including 10 persons with no connection to the terrorist group Basque Fatherland and Liberty (ETA), the ostensible target of the GAL. In December 1999, ETA ended its 14-month unilateral cease-fire and launched a new campaign of terrorism. ETA attacks claimed 23 lives during the year. ETA sympathizers also conducted a campaign of street violence and vandalism in the Basque region. Judicial proceedings against members of ETA continued. Spanish and French police arrested dozens of suspected ETA members and collaborators.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings by government agents.

No developments were reported in the following ongoing cases: The March 1997 case of a Civil guard officer who allegedly shot a Moroccan boy in the back and killed him; the appeal of police officer Antonio

Barrionuevo's conviction in the 1996 killing of Portuguese citizen Manuel Abreu Silva; and the deaths of eight prison inmates under suspicious circumstances in 1996-97.

Five individuals were convicted during the year in the GAL case of Jose Ignacio Zabala and Jose Antonio Lasa, who were kidnaped, tortured, and killed in 1983. Enrique Rodriguez Galindo, a Civil Guard general, and Julen Elgorriaga, the then civil governor of Guipuzcoa, each received sentences of 71 years' imprisonment. An additional three Civil Guard officers were sentenced to 69 and 67 years' imprisonment. Miguel Brecia Guillen was sentenced in 1999 to 68 years in jail for the 1986 murder of two French citizens. The state prosecutor recommended closure of the 1984 Monbar case for lack of evidence. Other cases in which security forces are alleged to have committed murder in the mid-1980's, such as those of Ramon Onaederra, Mikel Zabaltza, and Robert Caplanne, remain open but are unlikely to be prosecuted, also due to lack of evidence.

ETA declared an end to its 14-month "cease-fire" in December 1999 and resumed its terrorist activities. ETA's declared aim is to establish an independent Basque state in the Basque region of northern Spain and southern France. By year's end, ETA car bombings and shootings resulted in the deaths of 23 victims.

The ETA attacks began on January 21 when an ETA car bomb killed Lt. Col. Pedro Blanco in Madrid. On February 22, an ETA car bomb in Vitoria killed Basque Socialist Party Spokesman Fernando Buesa and his bodyguard. On March 6, an ETA car bomb exploded in San Sebastian, injuring eight persons. ETA assailants shot and killed newspaper columnist Jose Luis Lopez de la Calle on May 7 in Navarra. On June 4, ETA shot and killed Popular Party councilman Jesus Maria Pedrosa in Durango. On June 25, an ETA car bomb injured seven in Getxo.

An ETA car bomb detonated in the central shopping district of Madrid on July 12, injuring eight people. City councilman Jose Maria Martin Carpena was shot and killed in front of his family on July 15 in Malaga. On July 16, an ETA car bomb injured the wife of a civil guard in Agreda. On July 29, Juan Maria Jauregui, former Socialist Party delegate to Guipuzcoa, was shot and killed. On August 8, an ETA car bomb killed Basque businessman Jose Maria Korta. In Madrid 6 hours later, another ETA car bomb injured 11 persons. On August 9, an ETA assailant shot and killed army Lt. Francisco Casanova in Navarra.

On August 20, ETA killed two civil guards in the northern region of Huesca by planting a bomb under their patrol car. On August 30, an ETA assailant shot and killed Popular Party town councilman Manuel Indiano Azaustre in his Guipuzcoa candy shop. On September 13, an ETA assailant shot and severely wounded Jose Ramon Recalde, a former Socialist Party Counselor, at his home in San Sebastian. On September 20, ETA assailants shot and killed Popular Party town counselor Jose Luis Ruiz Casado near Barcelona. ETA killed a military doctor in Andalucia on October 16 and a prison official in Victoria on October 22. An ETA car bomb took the life of a Supreme Court judge and three persons in Madrid on October 30. An ETA assailant shot and killed former Health Minister Ernest Lluch in Barcelona on November 11. ETA ended the year with the killing of its fifth Popular Party town counselor and a policeman, both near Barcelona. It was the bloodiest year of ETA violence since 1994. ETA publicly claimed responsibility for these attacks.

Legal actions against ETA members continued. Spain obtained the extradition of the former leader of ETA, Francisco Mugica Garmendia, from France in February. He faces charges that include involvement in 23 killings, illicit possession of explosives, and falsification of documents. In February a court sentenced ETA member Mikel Azurmendi Penagaricano to 36 years in prison for the killing of Army Lt. Miguel Peralta in 1994. On July 6, a court sentenced members of the Andalusian command of ETA to a total of 108 years in prison for crimes committed in 1997 and 1998, when the group tried to murder the then mayors of Granada and Seville. On July 25, a court convicted ETA member Ramon Aldasoro for his participation in the March 1988 bombing of a police barracks and sentenced him to 67 years' imprisonment.

In March Amnesty International (AI) appeared before the Basque Parliament and made a strong appeal for ETA to stop violating human rights through murder, kidnaping, and intimidation. AI expressed its support for the Government's 1999 compensation law for victims of ETA terror but called on the Government to compensate victims of government torture as well. AI also criticized the Government for permitting suspected terrorists to be held incommunicado for up to 5 days after arrest.

Several organizations are dedicated to the concerns of victims of terrorism, among them the Association of Victims of Terrorism (AVT). AVT was founded in 1981 and serves 1,300 families, providing legal and psychological counseling. The Government supports its work.

A Spanish extradition request for former Chilean dictator Augusto Pinochet was denied after a lengthy judicial review in the United Kingdom. Spanish courts sought to try Pinochet for his involvement in the disappearance of 600 Spaniards under Chilean and Argentine governments in the 1970's and 1980's. On March 2, the United Kingdom Minister of Home Affairs allowed Pinochet to return to Chile without trial on grounds of ill health.

No developments occurred in case of the 1999 international arrest warrants for former Argentine junta Generals Galtieri and Videla, Admiral Massera, and 95 lower ranking military officers. The High Court refused jurisdiction in December in the the criminal suit filed by indigenous Guatemalan leader Rigoberta Menchu against eight former Guatemalan military and civilian leaders for human rights abuses.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such acts; however, suspects charged with terrorism routinely assert that they have been abused during detention, and other detainees sometimes make similar charges. The Government investigates allegations of torture and also permits outside parties to investigate them.

On May 20, Antonio Fonseca, an illegal African immigrant, died after his arrest in Arrecife. Witnesses contend that police aggressively detained Fonseca. One claimed that four officers beat Fonseca before he reached his holding cell. The police chief of Arrecife denied the accusations, claiming that Fonseca's contusions resulted from his struggle to escape. In September Interior Minister Mayor Oreja announced that two investigations and autopsies indicated that Fonseca died of natural causes and that there was no basis for prosecution of the arresting officers.

No developments were reported in the following cases from previous years: The November 1998 case of two policemen in Melilla who were charged with raping a Moroccan girl; the trial that began in November 1998 of six members of the Civil Guard who were accused of torturing three suspected ETA members in 1992; the complaint filed against the police in the beating of Ivan Gonzalez in September 1997.

In April a Madrid court sentenced a policeman to 5 years' imprisonment for the July 1994 illegal detention and beating of a man from the Madrid suburb of Majadahonda.

ETA sympathizers engaged in extensive street violence in the Basque region throughout the year. On February 25, 8 families were evacuated from their homes in Vizcaya after 30 hooded individuals threw Molotov cocktails at a bank in the central square. Molotov cocktails also were thrown into the home of Jose Luis Lopez de la Calle, member of the anti-ETA Ermua forum and columnist, on February 28. (ETA subsequently killed Lopez de la Calle in May.) Incidents of street violence in support of ETA, called the "kale barroka" in the Basque language, increased during the year: 681 acts of street violence were reported in the Basque region and neighboring Navarra during the year. The Basque police and the Spanish National Police arrested over 160 persons in connection with the street violence.

Prison conditions generally meet or exceed minimum international standards.

In Madrid prisons there were 21 reports of abuse during 1999. In the first 3 months of 2000, eight cases were reported. On February 24, 17 prisoners in San Sebastian's Martutene Prison began a sit-in and hunger strike in solidarity with ETA prisoner Daniel Derguy, who had been fasting for 60 days in a French prison.

No developments were reported in the March 1998 investigation into 31 cases of alleged abuse and negligence by prison officials in 1996 and 1997 that led to 8 inmate deaths. The Supreme Court awarded \$115,000 (20 million pesetas) to the family of Juan Antonio Fernandez, a prisoner who was killed by a fellow inmate in the Madrid prison of Carabanchel in March 1997.

Basque activists continued to demand that all imprisoned ETA terrorists be moved to prisons in the Basque region or the adjacent region, Navarra. As of March, 378 ETA terrorists were in jail.

The Government permits prison visits by human rights monitors, including the Council of Europe's Committee for the Prevention of Torture.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest, detention, and exile, and the Government observes these prohibitions in practice.

A suspect may not be held for more than 72 hours without a hearing except in cases involving terrorism, in which case the Penal Code permits holding a suspect an additional 2 days without a hearing and the possibility of incommunicado detention, provided that a judge authorizes such action.

At times pretrial detention can be lengthy. By law suspects may not be confined for more than 2 years before being brought to trial, unless a further delay is authorized by a judge, who may extend pretrial custody to 4 years. In practice pretrial custody is usually less than a year. However, criticism is heard in legal circles that some judges use "preventive custody" as a form of anticipatory sentencing. In late 2000, approximately 20 percent of the prison population was in pretrial detention (9,446 inmates out of 44,866 total), although that number included convicted prisoners whose cases were on appeal.

The law on aliens permits detention of a person for up to 40 days prior to deportation but specifies that it must not take place in a prison-like setting.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government respects this provision.

The judicial structure consists of local, provincial, regional, and national courts with the Supreme Court at its apex. The Constitutional Court has the authority to return a case to the court in which it was adjudicated if it can be determined that constitutional rights were violated during the course of the proceedings. The National High Court handles crimes such as terrorism and drug trafficking. The European Court of Human Rights is the final arbiter in cases concerning human rights.

The Constitution provides for the right to a fair public trial, and the authorities respect this right in practice. There is a nine-person jury system.

Defendants have the right to be represented by an attorney (at state expense for the indigent). They are released on bail unless the court believes that they may flee or be a threat to public safety. Following conviction, defendants may appeal to the next highest court.

The law calls for an expeditious judicial hearing following arrest. However, the AVT and others have criticized delays in the judicial process, which can result at times in lengthy pretrial detention (see Section 1.d.) and delays in trials. In cases of petty crime, suspects released on bail sometimes wait up to 5 years for trial.

Human rights groups such as the Association Against Torture and members of the press complain that many persons convicted of offenses constituting violations of human rights avoided sentencing by prolonging the appeals process and that sentences for persons convicted of such offenses are unduly light. According to AI, custodial sentences of less than 1 year and a day customarily are not served in such cases.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the privacy of the home and correspondence. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The antiterrorist law gives discretionary authority to the Minister of the Interior to act prior to obtaining court approval in "cases of emergency."

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects this right in practice. Opposition viewpoints, both from political parties and nonpartisan organizations, are reflected freely and widely in the media.

The Catalunya regional government's failure in 1999 to renew broadcast licenses for three Catholic Church radio stations was challenged successfully in the Catalunya Supreme Court in March. The court ruled that the criteria used by the regional government to award licenses placed disproportionate emphasis on the use of Catalan language in the programming. The government of Catalunya elected not to appeal the decision.

On March 2, the Supreme Court prohibited the radical Basque party Euskal Herritarrok (EH) from using free broadcast time in the public media. The pro-ETA newspaper Egin and its affiliated radio station (Egin Irratia) were closed in 1998. Gara--another pro-ETA newspaper--has since emerged. An investigation into the alleged subordination of Egin's editorial line and hiring practices to ETA's command and the use of coded classified ads to coordinate ETA strategy still was underway.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. There is no state religion, although Catholicism is the predominant religion and receives some government funding. Jews, Muslims, and Protestants have official status and also receive some support from the Government. Other recognized religions, such as Jehovah's Witnesses and Mormons, are covered by constitutional protections but receive no assistance. Religions not recognized officially are treated as cultural associations. Religious courses are offered in public schools but are not mandatory.

There are some allegations that the Government discriminates against non-Catholic religions, principally by not providing to other churches all of the privileges accorded to the Catholic Church.

In 1999 Parliament approved a nonbinding resolution calling on the Government to reinforce measures against the activity of destructive "sects." A 1989 law on sects already had authorized the police to investigate their activities, and a special unit was created for that purpose. The resolution was preceded by press accounts of a death under unusual circumstances of a member of Jehovah's Witnesses and the arrest of the leader of a group called The Orientation in April 1999.

Also in April 1999, a Helsinki Human Rights Federation report criticized the Government for discrimination against "new religions."

The decision of the regional government of Catalunya not to renew three local radio broadcasting licenses of the Catholic Church was overturned in court in March (see Section 2.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens are free to travel within and outside the country, to emigrate, and to repatriate, and the Government respects these rights in practice.

The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations, including the Spanish Committee for Assistance to Refugees (CEAR), in assisting refugees and asylum seekers. Under a 1994 law, asylum requests are adjudicated in a two-stage process with the Office of Asylum and Refugees (OAR) making an initial decision on the admissibility of the application for processing. The Interministerial Committee for Asylum and Refuge (CIAR) examines the applications accepted for processing. The CIAR includes representatives from the Ministries of Interior, Justice, Labor, Foreign Affairs, and a nonvoting member of the UNHCR. The decision of the CIAR in each case must be approved by the Minister of the Interior.

The 1994 law eliminated the distinction between asylum status and refugee status. This distinction was eliminated to prevent applicants from drawing out judicial proceedings by applying first for refugee status and then for asylum, if the former was denied.

The UNHCR advises the authorities throughout the process. Applicants for asylum have the right to have their applications sent immediately to the local office of the UNHCR. The authorities are not bound by the judgment of the UNHCR in individual cases, but they often reevaluate decisions with which the UNHCR does not agree. Appeals of rejection at either stage may be made to the National High Court, and appeals of the National High Court's decisions may be made to the Supreme Court.

Asylum requests may be made from outside as well as within the country. From outside anyone can request asylum from a Spanish diplomatic or consular representative. Illegal immigrants are permitted to apply for asylum. Those who lack visas or permission to enter may apply at the border or port of entry. The applicant in such cases may be detained until a decision is made regarding the admissibility for processing of the application. In cases of persons who apply inside the country, a decision must be reached within 2 months, but in cases of persons who apply at a port of entry this period is reduced to 72 hours. The period for filing an appeal in such cases is 24 hours. The Ombudsman (see Section 4) challenged the legality of this form of detention before the Constitutional Court. The Court issued a preliminary decision in which it ruled that this form of detention does not deprive the detainee of his liberty. This provisional decision allowed the Government to continue to detain applicants without modifications to its detention procedures.

Applicants have the right by law to free legal assistance, regardless of where they are when they apply for asylum. This assistance is available from the first step in the process through any appeals of unfavorable decisions. The applicant also has the right to the assistance of translators and interpreters, and the OAR admits documents in any language without requiring an official translation.

In 1999 the Government received 8,405 requests for political asylum. Only 294 of the applicants were granted refugee status. An additional 679 were permitted entrance on humanitarian grounds. In the first 5 months of 2000 the Government received 3,010 requests for political asylum. The majority of applicants came from Algeria, Romania, Sierra Leone, and Armenia. The number of persons granted asylum has dropped steadily during the past 5 years.

The ombudsman expressed his concern over the high percentage of applications not admitted for processing (68.5 percent in 1997 and 56.6 percent in 1998). However, many persons with falsified documents are rejected early in the process. Many such applicants come from politically stable but economically impoverished countries.

The Government's practice of substituting temporary admittance on humanitarian grounds for granting asylum also has been criticized. The former status includes some restrictions on access to the labor market and welfare payments, although it does grant the applicant residency and work permits. Another concern is that in some cases individuals whose asylum requests were turned down may have been expelled while their appeals were still in progress, although no statistics are available. The law allows the applicant a 15 day grace period in which to leave the country if refugee status is denied. Within that time frame, the applicant may appeal the decision, and the court of appeal has the authority to prevent the initiation of expulsion procedures, which normally begin after the 15th day.

There were no reports of the forced return of persons to a country where they feared persecution.

A new law on immigration was passed in January and took effect in April. Although the new law does not include any specific mandates regarding work permits, it does recognize the rights of immigrants to peaceful assembly and association. The law grants eligibility for emergency health care to all immigrants and for all forms of health care to minors and pregnant women.

The new law prompted thousands of illegal aliens to seek to regularize their status. Between March and July, immigrants submitted about a quarter of a million applications. Of the 131,700 applications reviewed, 85,526 received legal status. The Government later concluded that the law, by granting illegal and legal immigrants many of the same rights, promoted increased illegal immigration. The authorities intercepted 3,569 aliens entering illegally via the Straits of Gibraltar in all of 1999. By August 2000, the authorities had already intercepted 7,833. The Government amended the immigration law in December to increase sanctions on employers who hire illegal aliens and to draw a sharper distinction between the rights afforded to legal versus illegal immigrants. Under the amended law, illegal aliens do not have the right to join unions or strike.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Spain is a multiparty democracy with open elections in which all citizens 18 years of age and over have the right to vote by secret ballot. At all levels of government, elections are held at least every 4 years. In the 1996 national elections, the Popular Party ended 13 years of Socialist (PSOE) rule, and Jose Maria Aznar became President of the Government. The Popular Party received an absolute majority in the 2000 parliamentary elections. The next national elections are scheduled for March 2004.

Governmental power is shared between the central government and 17 regional "autonomous communities." Local nationalist parties give political expression to regional linguistic and cultural identities.

Women are underrepresented in government and politics, although they are increasing their participation in the political process. Of 19 Cabinet Ministers, 3 are women. The President of the Senate and the Speaker of the Chamber of Deputies are women. The number of female Members of Parliament increased after the 2000 elections: of the 350 members of the lower house, 99 are women. Of 259 Senators, 63 are women. In the 1999 European Parliament elections, both the PP and PSOE placed women at the top of their lists. On the PSOE list, 50 percent of the candidates were women.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of nongovernmental human rights groups, including the Human Rights Association of Spain in Madrid and the Human Rights Institute of Catalunya in Barcelona, operate freely without government interference. The Government cooperates readily with international organizations, international nongovernmental human rights groups, and independent national groups investigating allegations of human rights abuses.

The Constitution provides for an ombudsman, called the "People's Defender," who as part of his duties actively investigates complaints of human rights abuses by the authorities. The ombudsman operates independently from any party or government ministry, must be elected every 5 years by a three-fifths majority of the Congress of Deputies, and is immune from prosecution. He has complete access to government institutions and to all documents other than those classified for national security reasons and may refer cases to the courts on his own authority. The ombudsman has a staff of approximately 150 persons and received some 25,000 complaints during the year. The majority of the complaints pertained to education and social services, although some dealt with discrimination, domestic violence, and mistreatment by law enforcement agencies.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights for all citizens. In 1995 the Parliament modified the Penal Code to make it a crime to "incite, publicize, or otherwise promote abuse or discrimination of people or groups" because of race, ethnicity, nationality, ideology, or religious beliefs. However, incidents of racism and rioting violence against minorities and discrimination against Roma continued to be problems.

Women

Sexual abuse, violence, and harassment of women in the home continued to be problems. According to the Government, at least 40 women and 6 men died as a result of domestic violence during the year. During 1999 over 25,000 women filed complaints of abuse against their husbands or partners, compared with 19,621 complaints in 1998. In 2000 5,722 criminal complaints were filed against husbands for abuse of their wives, as well as 14,846 misdemeanor complaints. However, experts believe that only 10 percent of violent acts against women are reported to the authorities. The Women's Institute, which is part of the Ministry of Labor and Social Affairs, counseled 104,856 women concerning domestic violence and legal aid in 1998 compared with 86,893 in 1997. Some nongovernmental organizations (NGO's) estimate that from 600,000 to 800,000 cases of domestic abuse occur each year.

In 1998 the Government unveiled a 3-year, \$60 million (9 billion pesetas) "Plan Against Domestic Violence." The plan criminalizes the violation of restraining orders and the infliction of psychological violence and calls for a quadrupling of the number of offices that assist victims and an expansion of medical and legal services. (Rape, spousal rape, and spousal abuse were already crimes.) Other provisions of the plan include: Public awareness campaigns in the media and in the schools; the establishment of a domestic abuse database to streamline judicial investigations; increased access of victims to public housing; and greater linkage between medical, police, legal, and counseling services in order to promote an integrated approach to treating victims. Public service announcements and press articles drawing attention to the problem of domestic violence were ubiquitous throughout the year.

Women's rights' advocates, while acknowledging that the plan incorporated many of their demands, expressed disappointment with several of its omissions. The Federation of Separated and Divorced Women criticized the plan as lacking in specifics, particularly its public sensitization campaigns. According to the Federation, the plan's key shortcoming is that it fails to make the issuance of a restraining order automatic upon filing a complaint. Currently, a restraining order is issued only after a guilty verdict.

The Government has invested over \$15.2 million (2.288 billion pesetas) in the plan. Since the plan was approved, 9 special services units and 54 Civil Guard units staffed by 110 women have been created to assist battered women. There are special sections in the police department to deal with violence against women,

which are staffed by trained female officers, and there are approximately 25 shelters for battered women. There are 54 official centers in all for mistreated women. A toll-free hot line advises women where to go for government shelter or other aid if mistreated.

On April 9, the Government announced an initiative that would complete the 1998 "Plan Against Domestic Violence." The initiative calls for 5,000 lawyers specializing in domestic violence to be assigned throughout the country. The Government hopes that the presence of these lawyers will encourage women to come forward with complaints of violence or domestic abuse.

A 1999 law allows for an "immediate" divorce upon conviction of a husband for domestic violence. The socially conservative political parties (PP and nationalist parties) tended to favor this bill. Womens' groups and the more left-of-center political parties (PSOE and NI) opposed the bill, due to concern that a woman's right to divorce her abusive husband would be dependent on an inefficient legal system that often takes years to complete a single criminal proceeding.

A 1989 law prohibits sexual harassment in the workplace, but very few cases have been brought to trial under this law. Police received 319 sexual harassment complaints during the year. Meanwhile the number of women in the labor market is increasing steadily. The Government recognizes the difficulties faced by women in the workplace. According to a 1998 decree, employers no longer have to pay social security benefits to someone filling in for a worker on leave either for maternity, adopting children, or in other similar circumstances. Previously, companies hired substitutes for only 10 percent of workers on maternity leave. The Government hopes to raise this figure to 25 percent. A ministerial order to increase women's presence in sectors in which they currently are underrepresented provides a 2-year reprieve from paying social security taxes to employers who hire women in these sectors. The 1999 National Employment Action Plan gives priority to battered women who search for employment.

The Minister of Social Affairs reports that women constitute 43 percent of the work force. However, according to the Taxation Agency (Agencia Tributaria) and its 1997 report "Employment, Salaries and Pensions" completed by the Institution of Fiscal Studies, women hold only 18 percent of better paying positions. The female unemployment rate was 23 percent in 1999, down from 26.6 percent in 1998. It was still more than double the 11.1 percent unemployment rate for 1999 for men. Women outnumber men in the legal, journalistic, and health care professions but still play minor roles in many other fields.

Discrimination in the workplace and in hiring practices persists. A 1998 study of 100 labor union contracts revealed that 38 contracts failed to use gender-neutral language, 22 employed gender-specific job titles resulting in the imposition of discriminatory wage differentials (i.e., the salary of a male secretary, "secretario," was 13 percent higher than that of a "secretaria" in one food processing industry contract), and only 17 addressed the problem of sexual harassment. Discriminatory wage differentials continue to exist. A 1999 report by the General Workers' Union shows that women's salaries are 30 percent less than those of their male counterparts.

Women are equal under the law for divorce, inheritance, and business purposes.

Trafficking in women for the purpose of prostitution, primarily from Latin America and Eastern Europe, appears to be growing (see Sections 6.c. and 6.f.).

Children

The Government demonstrates its commitment to children's welfare through well-funded and easily accessed programs of education and health care. Education is compulsory until age 16 and free until age 18. The Constitution obligates both the State and parents to protect children, whether or not born in wedlock. The Ministries of Health and Social Affairs are responsible for the welfare of children and have created numerous programs to aid needy children. Numerous NGO's further children's rights. For example a school help program for the protection of children has a team of experts who work with educators to help identify abused or abandoned children in the classroom.

The 1995 Law of the Child gives legal rights of testimony to minors in child abuse cases; it also obliges all citizens to act on cases of suspected child abuse and, for the first time, sets out rules regarding foreign adoptions. Under the Penal Code, children under the age of 18 are not considered responsible for their actions and cannot be sent to prison.

A 1996 penitentiary law lowered the maximum age that a child can remain with an incarcerated mother from 6 to 3 years. When the children reach their third birthday, they are sent to live with relatives or are placed in an

institution. Some prisons have special units for mothers with children under age 3. The units usually include a kindergarten, psychological support, and programs for children to get out of prison regularly. Family groups with children under the age of 3 can now stay together in cases where both parents are convicts.

People with Disabilities

The Constitution calls for the State to provide for the adequate treatment and care of the disabled, ensuring that they are not deprived of the basic rights that apply to all citizens. The law aims to ensure fair access to public employment, prevent discrimination, and facilitate access to public facilities and transportation. The national law serves as a guide for regional laws; however, levels of assistance and accessibility differ from region to region and have not improved in many areas.

The Penal Code continues to allow parents or legal representatives of a mentally disabled person to petition a judge to obtain permission for the sterilization of that person. In 1994 the Constitutional Court held that sterilization of the mentally infirm does not constitute a violation of the Constitution. In practice many courts have authorized such surgery. Religious groups continue to protest this ruling.

The labor market reform laws of 1997 and 1998 worked out between the Government, labor, and management provided for incentives to hire individuals from groups underrepresented in the work force, such as the disabled. In the 1998 agreement, the Government agreed to subsidize partially the costs of hiring the disabled for part-time work.

National/Racial/Ethnic Minorities

Public opinion surveys indicate the continued presence of racism and xenophobia, which result in discrimination against minorities. A February poll conducted by the Government's polling organization regarding attitudes towards foreigners found that Spaniards feel most identification with other Western Europeans and Latin Americans. There is less acceptance of immigrants from Morocco and sub-Saharan Africa. In February hundreds of Spanish villagers attacked the Moroccan immigrant population of El Ejido (Almeria) with baseball bats and iron rods. The riot was sparked by the murder of a Spanish woman by a Moroccan immigrant. The disturbance lasted 4 days and was followed over the course of several weeks by smaller outbreaks of anti-Moroccan immigrant violence.

On January 25, the Council of Europe cited a resurgence in nationalism, sometimes violent, which manifested itself in intolerance towards Roma, Africans, and Arabs. The Council recommended that the Government implement the antiracist provisions of the Penal Code; provide better statistics on racist attacks and vulnerable groups; deal with the marginalization of Roma and immigrants; and combat the activities of rightwing networks.

Roma continue to suffer discrimination in jobs, schools, and housing. According to a report issued by Gypsy Presence, the largest Roma-rights NGO, as many as 1 million Roma may live in the country. The organization estimates that half of this population is under 16 years of age and two-thirds are under the age of 25. The report states that one-third of Roma families are not economically self-sufficient. Romani activists attribute the high incidence of Romani informal sector employment in agriculture and peddling (an estimated 75 to 80 percent) to discrimination and historical marginalization. Although the Madrid High Court of Justice struck down in 1999 a city ordinance prohibiting peddling, Gypsy Presence reports that local authorities continue to find ways to enforce the ban. According to the organization, several other municipalities have enacted similar statutes, and this has been detrimental to the economic welfare of many Roma. Romani women suffer even more acute difficulties when seeking employment, since employers are reluctant to hire women from ethnic groups with high birth rates.

A 1998 study found that only 35 percent of Romani children are integrated fully into the educational system. About 60 percent of Romani children do not complete primary school, and only very few progress to middle school and beyond. According to a Gypsy Presence report, one-fifth of teachers describe themselves as anti-Roma, and one-fourth of students say that they would like to see Roma expelled from school. Truancy and dropout rates among Roma are very high, and Romani parents, over 80 percent of whom are functionally illiterate, often do not see the value of an education or are unaware of the educational opportunities for their children.

A shooting incident in the village of Albaladejo in 1999 illustrated the problems that even economically successful Roma can face. According to an NGO, the victim in the case was Juan Jose Garcia Garcia, who at one time was accused of drug dealing and assaulting Civil Guards but was acquitted of both charges. However, Civil Guards continued to harass him, often stopping him for identity checks or not wearing a seatbelt. According to Gypsy Presence, after being refused service at a bar, Garcia arranged to meet an employee of the bar, who later appeared at the appointed place with another man, shot Garcia, and left him

for dead. Garcia was able to contact his wife by cellular phone, and help arrived in time to save him. After the two assailants were apprehended, the residents of Albaladejo turned out in force to protest their incarceration and petition for their release. The mayor often led the demonstrations. In June a court freed the two accused after they posted bond in the amount of \$3,333 and \$2,666 (500,000 and 400,000 pesetas respectively). Garcia and his family left Albaladejo.

In April 2000 the Department of Social Services announced a plan to relocate 300 Roma immigrants from a rural area to Madrid to improve their living conditions. The Roma were provided amenities such as running water, electricity, toilets, trash services, showers, and a community area in return for attending employment training. The project cost \$2 million (350 million pesetas). As of July 25, 17 of the Roma participants had secured outside employment.

Quasi-organized rightwing youth groups (called "skinheads" by the press) continued to commit violent acts throughout the year, terrorizing minorities. According to a 1999 report by the NGO Movement Against Intolerance, which the Ministry of Labor and Social Affairs helped prepare, the number of persons involved in ultrarightist groups more than quintupled since 1995: at least 10,400 citizens are known to be involved in such groups, and the actual number could be as high as 20,800. Movement Against Intolerance reported in March the presence of Spanish neo-Nazi groups on the Internet, aiming their attacks at Maghrebi immigrants. Through their web pages, these groups urged others to take violent action against all immigrants of North African descent.

In 1999 an NGO urged the Government to halt neo-Nazi activities in the formerly deserted village of Los Pedriches in the southeast. Foreign neo-Nazis were said to be organizing camps in the village. The authorities were monitoring the situation closely. After press attention, the groups reportedly left the village.

No arrests were made in July 1999 incidents in which a mosque in Gerona and a building in Banyoles that housed immigrants from Senegal and the Gambia were burned.

A language or dialect other than Castilian Spanish is used in 6 of the 17 autonomous communities. The Constitution stipulates that citizens have "the duty to know" Castilian, which is the "official language of the state," but it adds that other languages also can be official under regional statutes and that the "different language variations of Spain are a cultural heritage which shall...be protected."

The Law of the Catalan Language, approved by the Catalan regional legislature (Generalitat) in 1998, stipulates the use of Catalan as the official language in local government and administrative offices, regional courts, publicly owned corporations, and private companies subsidized by the Catalan regional Government. Spanish-speaking citizens have the right to be addressed in Spanish by public officials. The legislation also establishes minimum quotas for Catalan-language radio and television programming. Controversy continued over the language law implementing legislation and related regulatory measures. Facing strong resistance from film distributors, the regional government in March annulled legislation that required foreign films distributed in sufficient quantities also to be dubbed and distributed in Catalan.

In June an administrative court in Tarragona considered a challenge to a local university regulation that imposed extensive use of Catalan in university affairs. The court, although leaving some of the regulation intact and declaring itself not competent to rule on the constitutionality of the linguistic law, struck down several sections of the regulation. For example, the court found that the regulation's treatment of certain administrative issues and a requirement that staff use Catalan at all public university functions exceeded university authority and autonomy and were not in conformance with other laws. Another court challenge involved the propriety of the same university's discipline of a professor for supplying copies of the university entrance examination in Spanish, rather than Catalan, to two students requesting Spanish versions. The court ruled in December that the professor was excluded wrongly from the administration of the examinations and praised her for defending the students' rights. The court clearly implied that the university's regulation limiting access to the examination in Spanish was discriminatory and said that it was permissible to foster the use of Catalan but not to do so in a manner that excludes or limits the use of Spanish. The university administration responded that it had no intention of modifying its regulation and intended to appeal the continued suspension of certain aspects of the regulation. Notwithstanding its response, in May it began supplying the entrance examination in Spanish to those who requested it.

The European Parliament in September declined to investigate allegations brought by Spanish-speaking activists that the linguistic law discriminated against Spanish-speakers. Both Galicia and Valencia have laws stating that it is the duty of the Government to "promote" their regional languages in schools and at official functions.

The debate continued over the extent to which the Basque language (Euskera) should be promoted. The

Union of Basque-Speaking Lawyers, affiliated with the pro-ETA HB political party, intensified its campaign against the use of translation services in trials of Basque-speaking citizens.

Section 6 Worker Rights

a. The Right of Association

All workers, except those in the military services, judges, magistrates, and prosecutors, are entitled to form or join unions of their own choosing. About 15 percent of the workforce is unionized.

Under the Constitution, trade unions are free to choose their representatives, determine their policies, represent their members' interests, and strike. They are not restricted or harassed by the Government and are independent of political parties. A strike in nonessential services is legal if its sponsors give 5 days' notice. Any striking union must respect minimum service requirements negotiated with the respective employer. The right to strike was interpreted by the Constitutional Court to include general strikes called to protest government policy. There were 632 strikes in 1998, a decrease of 53 from 1997. The number of striking workers in 1998 was 680,500, an increase of 29,900 on the previous year. The number of workdays lost to strikes in 1998 was 1,280,900, a decrease of 555,900 on the previous year. The number of workdays lost to strikes continued to decrease in 1999 and 2000. In December government workers held a protest march and general strike over their demands for salary increases that kept pace with inflation.

Unions are free to form or join federations and affiliate with international bodies and do so without hindrance.

b.